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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/002,919 | 11/15/2001 | Seung-Taek Hyon | 678-674(P9693) | 5088 |

7590 06/18/2004
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EXAMINER

NGUYEN, KHAI MINH

| ART UNIT | PAPER NUMBER |
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2684

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DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,919

Applicant(s)

HYON, SEUNG-TAEK

Examiner

Khai M Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Lavine (US-20010049596)

Regarding claim 1, Lavine teaches an emoticon input method in a mobile terminal (fig.2, paragraph 0007), comprising the steps of:

storing a plurality of emoticons in the mobile terminal (fig.2, paragraph 0040);

entering an emoticon input mode (paragraph 0038, 0040);

displaying the stored emoticons in an emoticon input mode (fig.2, fig.3, paragraph 0050);

selecting an emoticon (paragraph 0050); and

storing as part of a short message the emoticon selected by a user (see fig.2, fig.3, paragraph 0007).

Regarding claim 2, Lavine teaches the emoticon input method of claim 1, wherein the emoticons are stored in the form of a bit map (see abstract, fig.2).

Regarding claim 3, Lavine teaches the emoticon input method of claim 1, wherein the emoticons are formed by utilizing a plurality of typical characters and special characters in combination (paragraph 0047).

Regarding claim 4, Lavine teaches the emoticon input method of claim 1, further comprising the step of transmitting an SMS (Short Message Service) message including the stored emoticon (fig.2, paragraph 0007).

Regarding claim 5, Lavine teaches the emoticon input method of claim 1, wherein the emoticons are stored by a manufacturer in the process of manufacturing (fig.2, fig.3, paragraph 0049,0064).

Regarding claim 6, Lavine teaches the emoticon input method of claim 1, wherein the emoticons are created and stored by the user (fig.2, paragraph 0064).

Regarding claim 7, Lavine teaches the emoticon input method of claim 1, wherein the emoticons are received from a base station and stored in the mobile terminal (paragraph 0012).

Regarding claim 8, Lavine teaches the emoticon input method of claim 1, wherein the emoticons are downloaded into the mobile terminal from the Internet and stored in the mobile terminal (fig.2, paragraph 0012).

Regarding claim 9, lavine teaches the emoticon input method of claim 1, further comprising the step of changing and editing the emoticons by the user (fig.2, paragraph 0012, 0015).

Regarding 10, Lavine teaches an emoticon input method in a mobile terminal (fig.2, paragraph 0007), comprising the steps of:

grouping a plurality of emoticons formed by utilizing a plurality of typical characters and special characters in combination and storing the emoticons by groups in the mobile terminal (fig.2, paragraph 0040);

entering an emoticon input mode (paragraph 0038, 0040);

displaying the stored emoticon groups (fig.2, fig.3, paragraph 0050);

selecting an emoticon group (paragraph 0050);

displaying the emoticons of the emoticon group selected by a user (paragraph 0050); and

storing an emoticon as part of a short message selected by the user (fig.2, fig.3, paragraph 0007).

Regarding claim 11, Lavine teaches the emoticon input method of claim 10, wherein the emoticons are stored by a manufacturer in the process of manufacturing (fig.2, fig.3, paragraph 0049,0064).

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Regarding claim 12, Lavine teaches the emoticon input method of claim 10, wherein the emoticons are created and stored directly by the user (fig.2, paragraph 0064).

Regarding claim 13, Lavine teaches the emoticon input method of any of claim 10, wherein the emoticons are received from a base station and stored in the mobile terminal (paragraph 0012).

Regarding claim 14, Lavine teaches the emoticon input method of claim 10, wherein the emoticons are downloaded into the mobile terminal from the Internet and stored in the mobile terminal (fig.2, paragraph 0012).

Regarding claim 15, Lavine teaches the emoticon input method of claim 10, further comprising the step of changing and editing the emoticons by the user (fig.2, fig.3, paragraph 0064).

Regarding claim 16, Lavine teaches an emoticon input method in a mobile terminal (fig.2, paragraph 0007), comprising the steps of:

forming emoticons by utilizing a plurality of typical characters (paragraph 0047);

storing a plurality of the emoticons (fig.2, paragraph 0040);

selecting at least one emoticon from the plurality of emoticons (paragraph 0050); and

transmitting an SMS message including the at least one emoticon selected by a user (fig.2, fig.3, 0016, 0030, 0007).

Regarding claim 17, Lavine teaches the emoticon input method of claim 16, wherein the emoticons are formed and stored by a manufacturer in the process of manufacturing (fig.2, fig.3, paragraph 0049, 0064).

Regarding claim 18, Lavine teaches the emoticon input method of claim 16, wherein the emoticons are formed and stored by the user (fig.2, paragraph 0064).

Regarding claim 19, Lavine teaches the emoticon input method of claim 16, wherein the emoticons are received from a base station and stored in the mobile station (paragraph 0012).

Regarding claim 20, Lavine teaches the emoticon input method of claim 16, wherein the emoticons are downloaded into the mobile terminal from the Internet and stored in the mobile terminal (fig.2, paragraph 0012).

Regarding claim 21, lavine teaches the emoticon input method of claim 16, further comprising the step of changing and editing the emoticons by the user (fig.2, fig.3, paragraph 0064).

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M Nguyen whose telephone number is 703.305.9006. The examiner can normally be reached on 8:00-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703.308.7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


NAY MAUNG
SUPERVISORY PATENT EXAMINER

6/09/2004

Khai Nguyen
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